

E-filing

1 BEESON SKINNER BEVERLY, LLP
2 Donald L. Beeson, CA State Bar No. 56532
3 Brian Beverly, CA State Bar No. 103089
4 Malavika Sahai, CA State Bar No. 252047
5 One Kaiser Plaza, Suite 750
6 Oakland, CA 94612
7 Tel.: (510) 832-8700
8 Fax: (510) 836-2595

9
10 Attorneys for Plaintiff
11 CHARCOAL COMPANION, INCORPORATED
12
13

FILED C

JUL 29 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

FILED
JUL 29 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADR

14 SEC. N
15 NOTICE OF ASSIGNMENT
16
17 CHARCOAL COMPANION,
18 INCORPORATED,

19 Plaintiff,

20 v.

21 LIFETIME BRANDS, INC., and
22 TARGETCORPORATION,

23 Defendants.

Case. No C10-03337 SC

COMPLAINT FOR
PATENT INFRINGEMENT

(JURY TRIAL DEMANDED)

24 Plaintiff, Charcoal Companion, Incorporated ("CCI"), hereby alleges for its
25 complaint against Defendants, Lifetime Brands, Inc. ("Lifetime Brands") and Target
26 Corporation ("Target"), as follows:

27 JURISDICTION

28 1. This is a civil action arising under the patent laws of the United States, 35
U.S.C. §100, et seq. This Court has subject matter jurisdiction over this action pursuant
to 28 U.S.C. §§1331 and 1338(a).

29 VENUE

30 2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and
31 1400(b) because Defendants Lifetime Brands and Target Corporation committed acts of
32 patent infringement in this district.

INTRADISTRICT ASSIGNMENT

3. This case is exempt from intradistrict assignment pursuant to Civil L. R. 3-2(c) because it includes intellectual property claims.

PARTIES

4. Plaintiff CCI is a California corporation having its principal business offices located at 5905 Christie Avenue, Emeryville, California 94608.

5. On information and belief, Defendant Lifetime Brands is a Delaware corporation having its principal business offices located at 1000 Stewart Avenue, Garden City, New York 11530.

6. On information and belief, Defendant Target is a Minnesota corporation having its principal business offices located at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

FACTUAL BACKGROUND

7. Plaintiff CCI designs, markets, and distributes barbecue accessories products.

8. Plaintiff CCI owns U.S. Patent No. D506,352 for a COMBINATION ROASTING UTENSIL AND LIQUID INFUSER (the "352 Patent"), which was duly and legally issued by the United States Patent and Trademark Office on June 21, 2005, a copy of which is attached hereto as **Exhibit A**.

9. Plaintiff CCI owns U.S. Patent No. D522,807 for a COMBINATION ROASTING UTENSIL AND LIQUID INFUSER (the "807 Patent"), which was duly and legally issued by the United States Patent and Trademark Office on June 13, 2006, a copy of which is attached hereto as **Exhibit B**.

10. Plaintiff CCI owns U.S. Patent No. D506,362 for a BARBEQUE BASKET FOR CORN AND THE LIKE (the "362 Patent"), which was duly and legally issued by the United States Patent and Trademark Office on June 21, 2005, a copy of which is attached hereto as **Exhibit C**.

11. Plaintiff CCI owns U.S. Patent No. D521,821 for a BARBECUE BASKET

1 FOR CORN AND THE LIKE (the "821 Patent"), which was duly and legally issued by the
2 United States Patent and Trademark Office on May 30, 2006, a copy of which is
3 attached hereto as **Exhibit D**.

4 12. Upon information and belief, Defendant Lifetime Brands markets,
5 distributes, and sells a variety of houseware products, including cooking accessories for
6 kitchen and outdoor use, under different household brands, including KitchenAid. Upon
7 information and belief, Lifetime Brands sells its houseware products primarily to retail
8 outlets, including mass market retail outlets such as Defendant Target.

9 13. Upon information and belief, Defendant Target is a mass market retail
10 outlet having retail stores throughout the United States, including in this judicial district.

11 14. Upon information and belief, Defendant Lifetime Brands has made,
12 imported, used, offered to sell, and/or sold, and continues to make, import, use, offer to
13 sell, and/or sell a vertical chicken roaster product, under the KitchenAid brand
14 ("KitchenAid Chicken Roaster"), covered by the CCI '352 and '807 Patents, including
15 sales of KitchenAid Chicken Roasters to Defendant Target. The KitchenAid Chicken
16 Roaster is shown in **Exhibit E** attached hereto.

17 15. Upon information and belief, Defendant Target has used, offered to sell,
18 and/or sold, and continues to use, offer to sell, and/or sell KitchenAid Chicken Roaster
19 purchased from Defendant Lifetime Brands.

20 16. Upon information and belief, Defendants Lifetime Brands has made,
21 imported, used, offered to sell, and/or sold, and continues to make, import, use, offer to
22 sell, and/or sell a corn grilling basket product, under the KitchenAid brand ("KitchenAid
23 Corn Basket"), covered by the CCI '362 and '821 Patents, including sales of KitchenAid
24 Corn Baskets to Defendant Target. The KitchenAid Corn Basket is shown in **Exhibit F**
25 attached hereto.

26 17. Upon information and belief, Defendant Target has used, offered to sell,
27 and/or sold, and continues to use, offer to sell, and/or sell KitchenAid Corn Baskets
28 purchased from Defendant Lifetime Brands.

18. Plaintiff CCI has not authorized Defendants Lifetime Brands and Target, or either of them, to make, import, use, offer to sell, and/or sell either the KitchenAid Chicken Roaster or the KitchenAid Corn Basket.

FIRST CLAIM FOR RELIEF:

PATENT INFRINGEMENT – 35 U.S.C. §271, et seq.

19. Plaintiff CCI incorporates the allegations of paragraphs 1-18 above.

20. Upon information and belief, Defendants Lifetime Brands and Target have been, and currently are, infringing the '352 Patent by making, using, importing, selling, and/or offering for sale the KitchenAid Chicken Roaster.

21. As a direct and proximate consequence of Defendants Lifetime Brands' and Target's infringement of the '352 Patent, Plaintiff CCI has suffered and will continue to suffer irreparable injury and damages in an amount not yet determined for which Plaintiff CCI is entitled to relief.

22. Upon information and belief, Defendants Lifetime Brands and Target have been on actual or constructive notice of the '352 Patent, and infringement of the '352 Patent by Defendants Lifetime Brands and Target has been willful and deliberate.

23. Pursuant to 35 U.S.C. § 284, Plaintiff CCI is entitled to damages, and to treble damages on grounds that, on information and belief, the infringement by Defendants Lifetime Brands and Target was willful and deliberate.

24. Pursuant to 35 U.S.C. § 283, Plaintiff CCI is entitled to temporary and permanent injunctions enjoining Defendants Lifetime Brands and Target from further infringing the '352 Patent.

25. Pursuant to 35 U.S.C. § 289, Plaintiff CCI is entitled to Defendants Lifetime Brands' and Target's profits derived from infringing the '352 Patent.

SECOND CLAIM FOR RELIEF:

PATENT INFRINGEMENT – 35 U.S.C. §271, et seq.

26. Plaintiff CCI incorporates the allegations of paragraphs 1-18 above.

27. Upon information and belief, Defendants Lifetime Brands and Target have

1 been, and currently are, infringing the '807 Patent by making, using, importing, selling,
2 and/or offering for sale the KitchenAid Chicken Roaster.

3 28. As a direct and proximate consequence of Defendants Lifetime Brands'
4 and Target's infringement of the '807 Patent, Plaintiff CCI has suffered and will continue
5 to suffer irreparable injury and damages in an amount not yet determined for which
6 Plaintiff CCI is entitled to relief.

7 29. Upon information and belief, Defendants Lifetime Brands and Target have
8 been on actual or constructive notice of the '807 Patent, and infringement of the '807
9 Patent by Defendants Lifetime Brands and Target has been willful and deliberate.

10 30. Pursuant to 35 U.S.C. § 284, Plaintiff CCI is entitled to damages, and to
11 treble damages on grounds that, on information and belief, the infringement by
12 Defendants Lifetime Brands and Target was willful and deliberate.

13 31. Pursuant to 35 U.S.C. § 283, Plaintiff CCI is entitled to temporary and
14 permanent injunctions enjoining Defendants Lifetime Brands and Target from further
15 infringing the '807 Patent.

16 32. Pursuant to 35 U.S.C. § 289, Plaintiff CCI is entitled to Defendants Lifetime
17 Brands' and Target's profits derived from infringing the '807 Patent.

THIRD CLAIM FOR RELIEF:

PATENT INFRINGEMENT – 35 U.S.C. §271, et seq.

33. Plaintiff CCI incorporates the allegations of paragraphs 1-18 above.

21 34. Upon information and belief, Defendants Lifetime Brands and Target have
22 been, and currently are, infringing the '362 Patent by making, using, importing, selling,
23 and/or offering for sale the KitchenAid Corn Basket.

24 35. As a direct and proximate consequence of Defendants Lifetime Brands'
25 and Target's infringement of the '362 Patent, Plaintiff CCI has suffered and will continue
26 to suffer irreparable injury and damages in an amount not yet determined for which
27 Plaintiff CCI is entitled to relief.

36. Upon information and belief, Defendants Lifetime Brands and Target have

1 been on actual or constructive notice of the '362 Patent, and infringement of the '362
2 Patent by Defendants Lifetime Brands and Target has been willful and deliberate.

3 37. Pursuant to 35 U.S.C. § 284, Plaintiff CCI is entitled to damages, and to
4 treble damages on grounds that, on information and belief, the infringement by
5 Defendants Lifetime Brands and Target was willful and deliberate.

6 38. Pursuant to 35 U.S.C. § 283, Plaintiff CCI is entitled to temporary and
7 permanent injunctions enjoining Defendants Lifetime Brands and Target from further
8 infringing the '362 Patent.

9 39. Pursuant to 35 U.S.C. § 289, Plaintiff CCI is entitled to Defendants Lifetime
10 Brands' and Target's profits derived from infringing the '362 Patent.

11 **FOURTH CLAIM FOR RELIEF:**

12 **PATENT INFRINGEMENT – 35 U.S.C. §271, et seq.**

13 40. Plaintiff CCI incorporates the allegations of paragraphs 1-18 above.

14 41. Upon information and belief, Defendants Lifetime Brands and Target have
15 been, and currently are, infringing the '821 Patent by making, using, importing, selling,
16 and/or offering for sale the KitchenAid Corn Basket.

17 42. As a direct and proximate consequence of Defendants Lifetime Brands'
18 and Target's infringement of the '821 Patent, Plaintiff CCI has suffered and will continue
19 to suffer irreparable injury and damages in an amount not yet determined for which
20 Plaintiff CCI is entitled to relief.

21 43. Upon information and belief, Defendants Lifetime Brands and Target have
22 been on actual or constructive notice of the '821 Patent, and infringement of the '821
23 Patent by Defendants Lifetime Brands and Target has been willful and deliberate.

24 44. Pursuant to 35 U.S.C. § 284, Plaintiff CCI is entitled to damages, and to
25 treble damages on grounds that, on information and belief, the infringement by
26 Defendants Lifetime Brands and Target was willful and deliberate.

27 45. Pursuant to 35 U.S.C. § 283, Plaintiff CCI is entitled to temporary and
28 permanent injunctions enjoining Defendants Lifetime Brands and Target from further

infringing the '821 Patent.

46. Pursuant to 35 U.S.C. § 289, Plaintiff CCI is entitled to Defendants Lifetime Brands' and Target's profits derived from infringing the '821 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff CCI requests that this Court enter judgment in its favor against Defendants Lifetime Brands and Target as follows:

47. Declaring that Defendants Lifetime Brands and Target have infringed the
'352, '807, '362, and '821 Patents;

48. Declaring that such infringement by Defendants Lifetime Brands and Target has been willful and deliberate;

49. Preliminarily and permanently enjoining Defendants Lifetime Brands and Target, including their respective officers, directors, agents, employees, parents, and subsidiaries, and all others acting or controlled by or through either or both Defendants, or acting in concert or participating with either or both Defendants, from making, using, causing to be used, selling, offering to sell, and importing into the United States any goods that directly infringe or contributorily infringe the '352, '807, '362, and '821 Patents, or from inducing or causing others to infringe the '352, '807, '362, and '821 Patents, pursuant to 35 U.S.C. § 283;

50. That Plaintiff CCI be awarded compensatory damages according to proof on account of such infringements in accordance with 35 U.S.C. §284, and pre-judgment and post-judgment interest on such award;

51. That treble damages be assessed against Defendants Lifetime Brands and Target for willful infringement pursuant to 35 U.S.C. §284;

52. That CCI be awarded Defendants Lifetime Brands' and Target's total profit on account of such infringements under 35 U.S.C. §289, and pre-judgment and post-judgment interest on such award;

53. Awarding Plaintiff CCI reasonable attorneys fees pursuant to 35 U.S.C. § 285; and

54. Awarding Plaintiff CCI such further and additional relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

55. Pursuant to Fed. R. Civ. P. 38(b), Plaintiff CCI hereby demands a trial by jury on all claims asserted herein.

CERTIFICATION OF INTERESTED ENTITIES OR PARTIES

56. Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Date: July 29, 2010

BEESON SKINNER BEVERLY, LLP

By /s/ Brian Beverly
Brian Beverly
Attorneys for Plaintiff
Charcoal Companion, Incorporated

EXHIBIT A

EXHIBIT A



US00D506352S

(12) United States Design Patent (10) Patent No.: **US D506,352 S**
Dow et al. (45) Date of Patent: ** Jun. 21, 2005

(54) **COMBINATION ROASTING UTENSIL AND LIQUID INFUSER**(75) Inventors: **Shannon Dow**, Berkeley, CA (US);
Sharon Ellen Kallenberger, Alameda, CA (US)(73) Assignee: **Charcoal Companion Incorporated**, Oakland, CA (US)(**) Term: **14 Years**(21) Appl. No.: **29/212,967**(22) Filed: **Sep. 10, 2004**(51) LOC (8) Cl. **07-02**(52) U.S. Cl. **D7/361**(58) Field of Search **D7/354, 357, 359,**
D7/360, 361, 409; 99/345, 347, 419, 422,
448; 219/732, 735; D28/61(56) **References Cited**

U.S. PATENT DOCUMENTS

2,362,921 A	*	11/1944	Palensky	99/419
2,821,904 A		2/1958	Arcabosso	
5,301,602 A		4/1994	Ryczek	
5,575,198 A		11/1996	Lowery	
6,062,131 A		5/2000	Holland	

6,125,739 A	*	10/2000	Jernigan	99/345
6,467,399 B1	*	10/2002	Boutte	99/347
6,487,964 B2	*	12/2002	Snoke et al.	99/345
6,502,501 B1	*	1/2003	Simon	99/345
D493,256 S	*	7/2004	Kim	D28/61
6,779,438 B1		8/2004	Citrynell et al.	
2002/0100371 A1	*	8/2002	Snoke et al.	99/419
2002/0195001 A1	*	12/2002	Hester	99/345

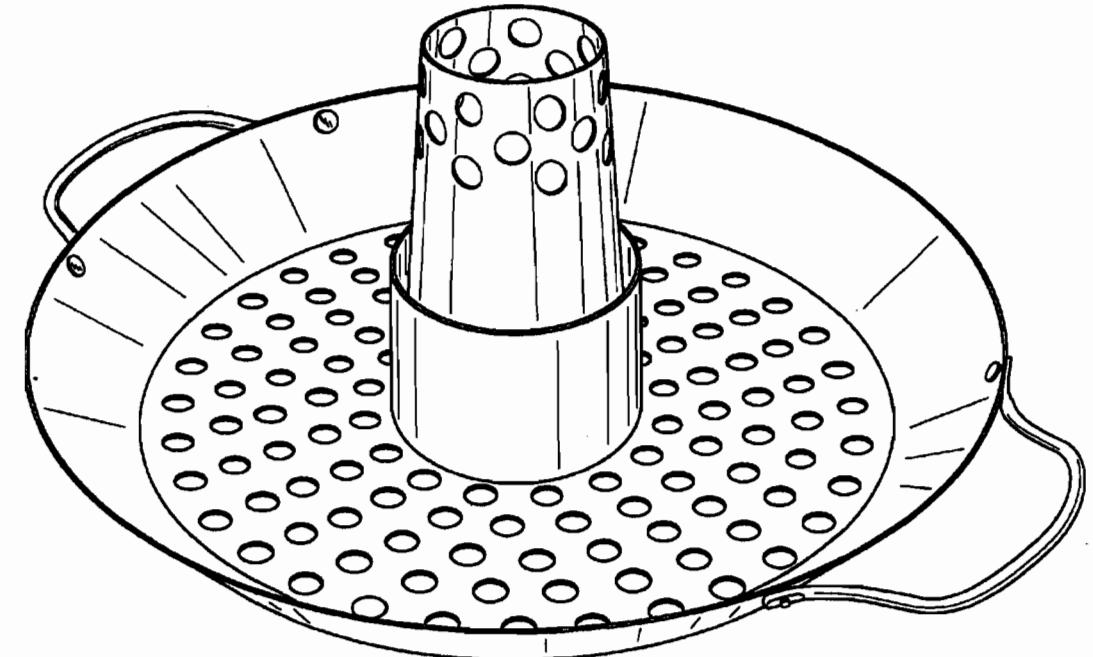
* cited by examiner

Primary Examiner—Caron D. Veynar*Assistant Examiner*—Vy Nguyen(74) *Attorney, Agent, or Firm*—Donald L. Beeson(57) **CLAIM**

The ornamental design for a combination roasting utensil and liquid infuser, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a combination roasting utensil and liquid infuser showing our new design;
 FIG. 2 is a front elevational view thereof;
 FIG. 3 is a rear elevational view thereof;
 FIG. 4 is a left side elevational view thereof;
 FIG. 5 is a right side elevational view thereof;
 FIG. 6 is a top plan view thereof; and,
 FIG. 7 is a bottom plan view thereof.

1 Claim, 5 Drawing Sheets

U.S. Patent

Jun. 21, 2005

Sheet 1 of 5

US D506,352 S

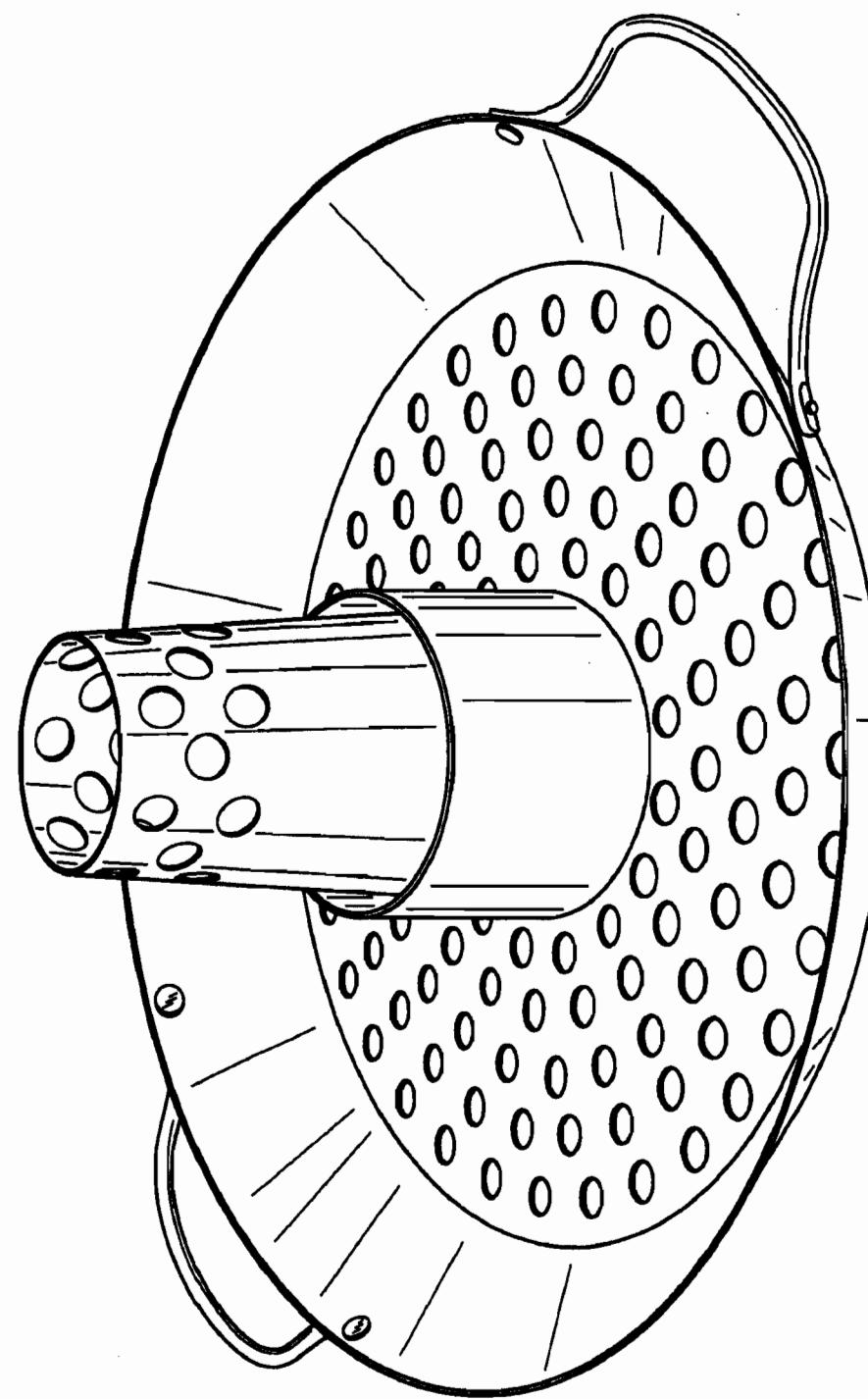


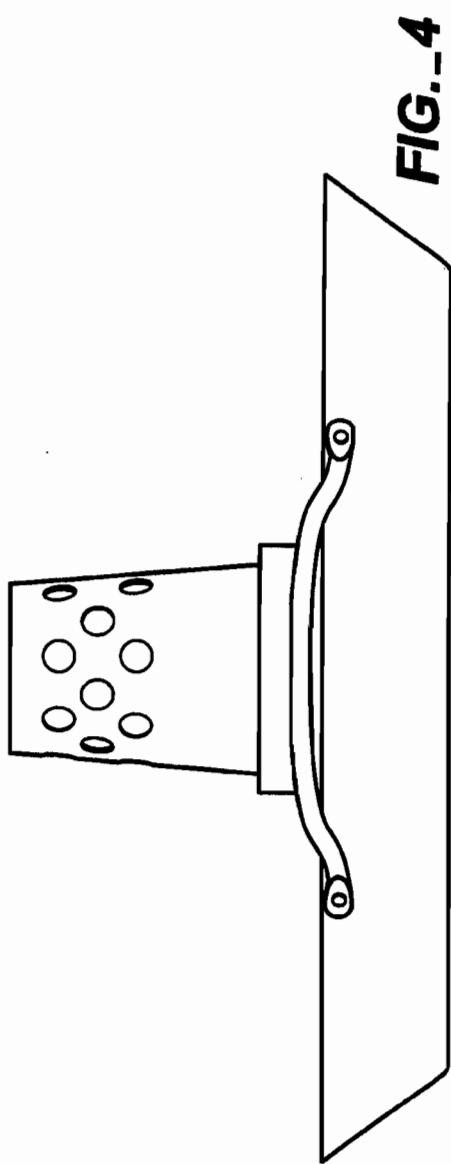
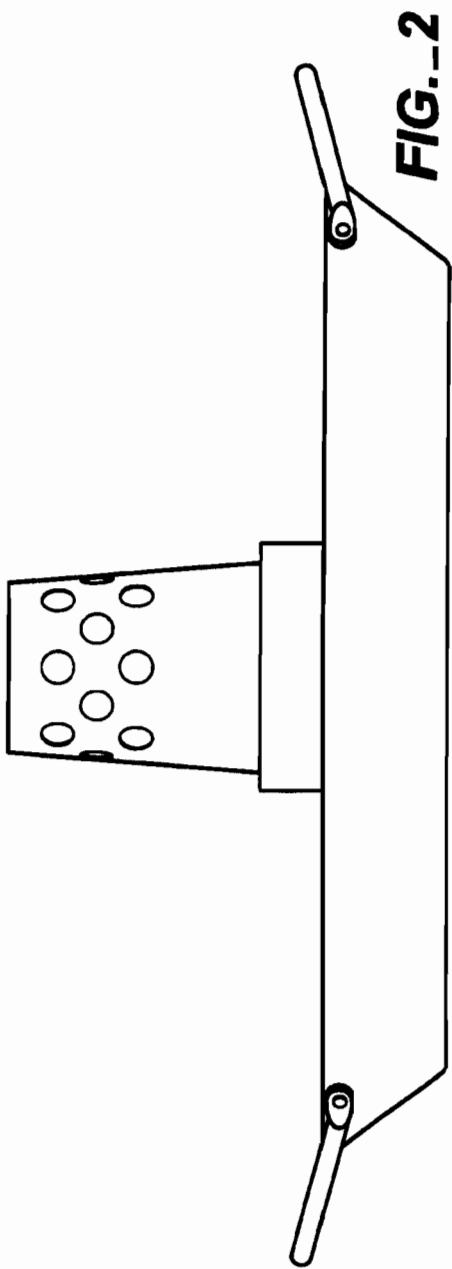
FIG. 1

U.S. Patent

Jun. 21, 2005

Sheet 2 of 5

US D506,352 S



U.S. Patent

Jun. 21, 2005

Sheet 3 of 5

US D506,352 S

FIG.-3

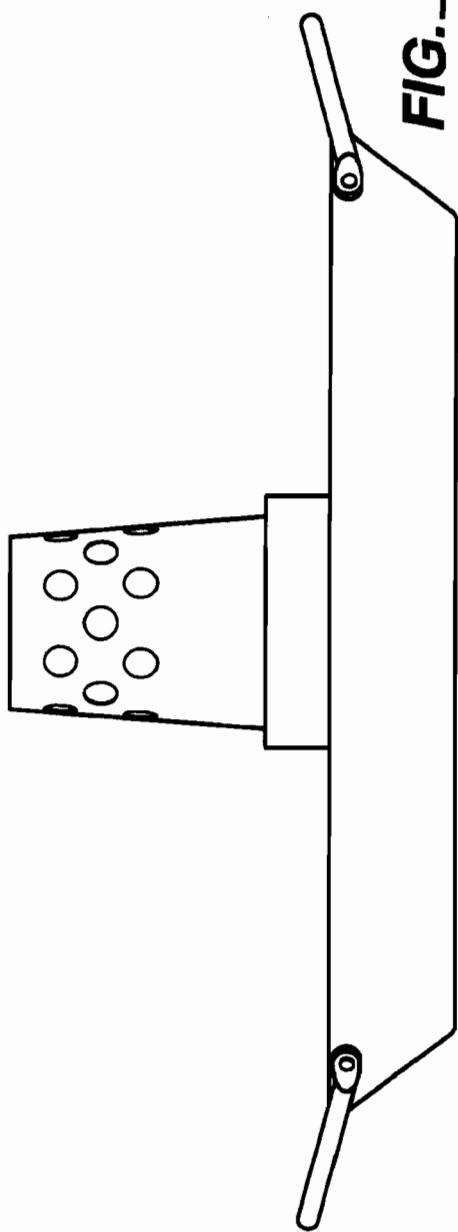
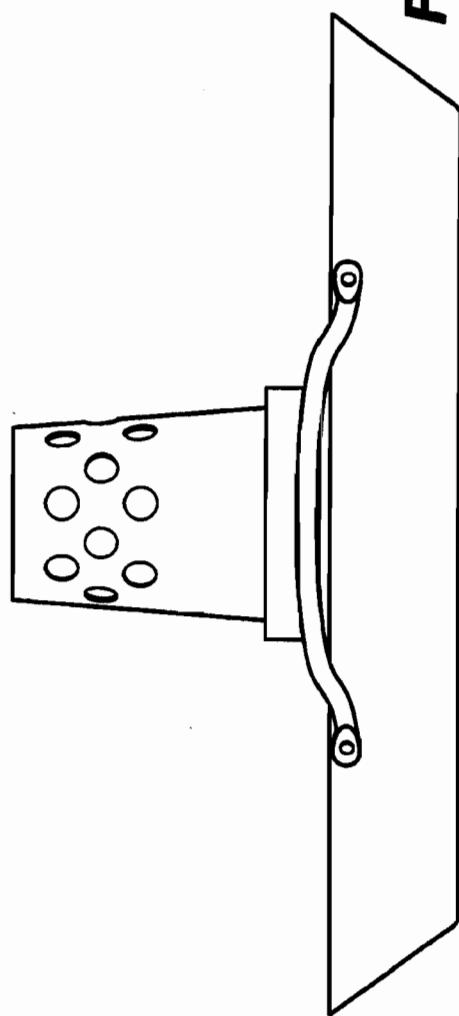


FIG.-5

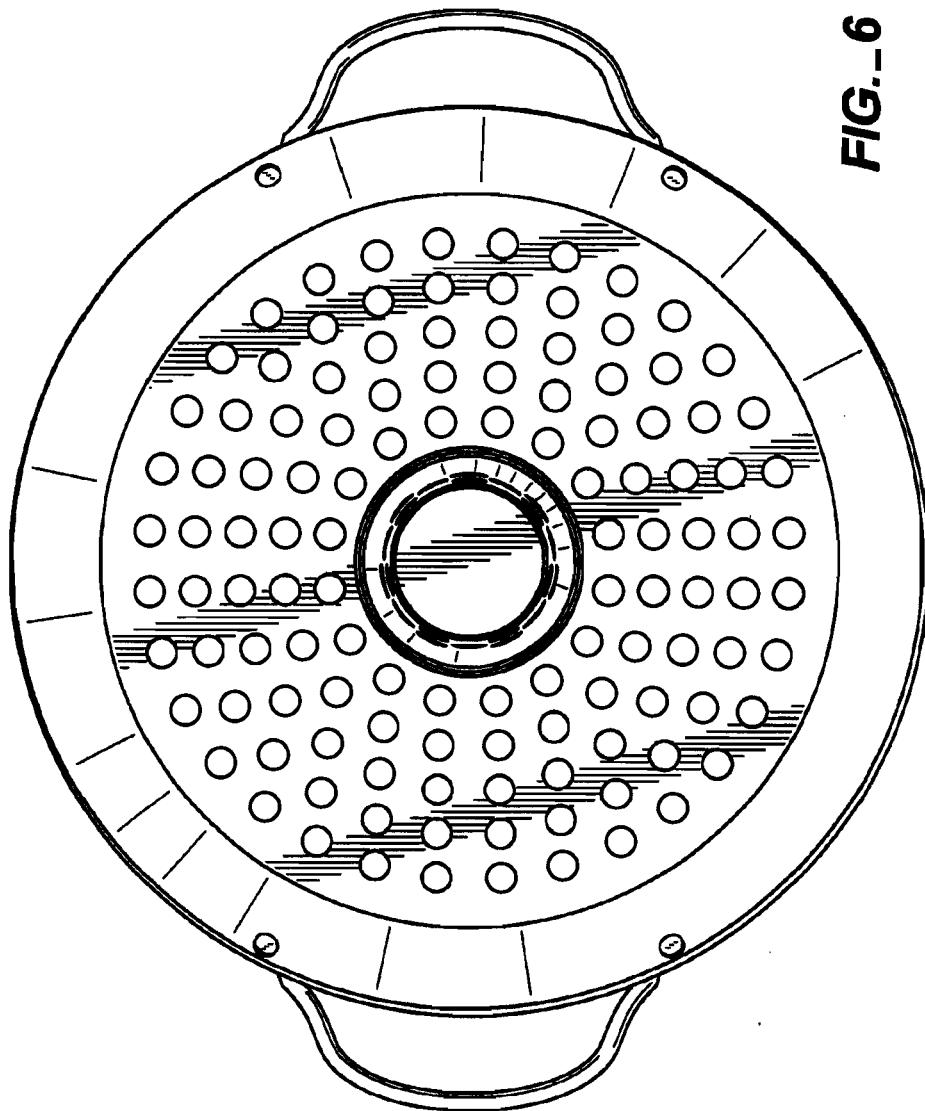


U.S. Patent

Jun. 21, 2005

Sheet 4 of 5

US D506,352 S



U.S. Patent

Jun. 21, 2005

Sheet 5 of 5

US D506,352 S

FIG.-7

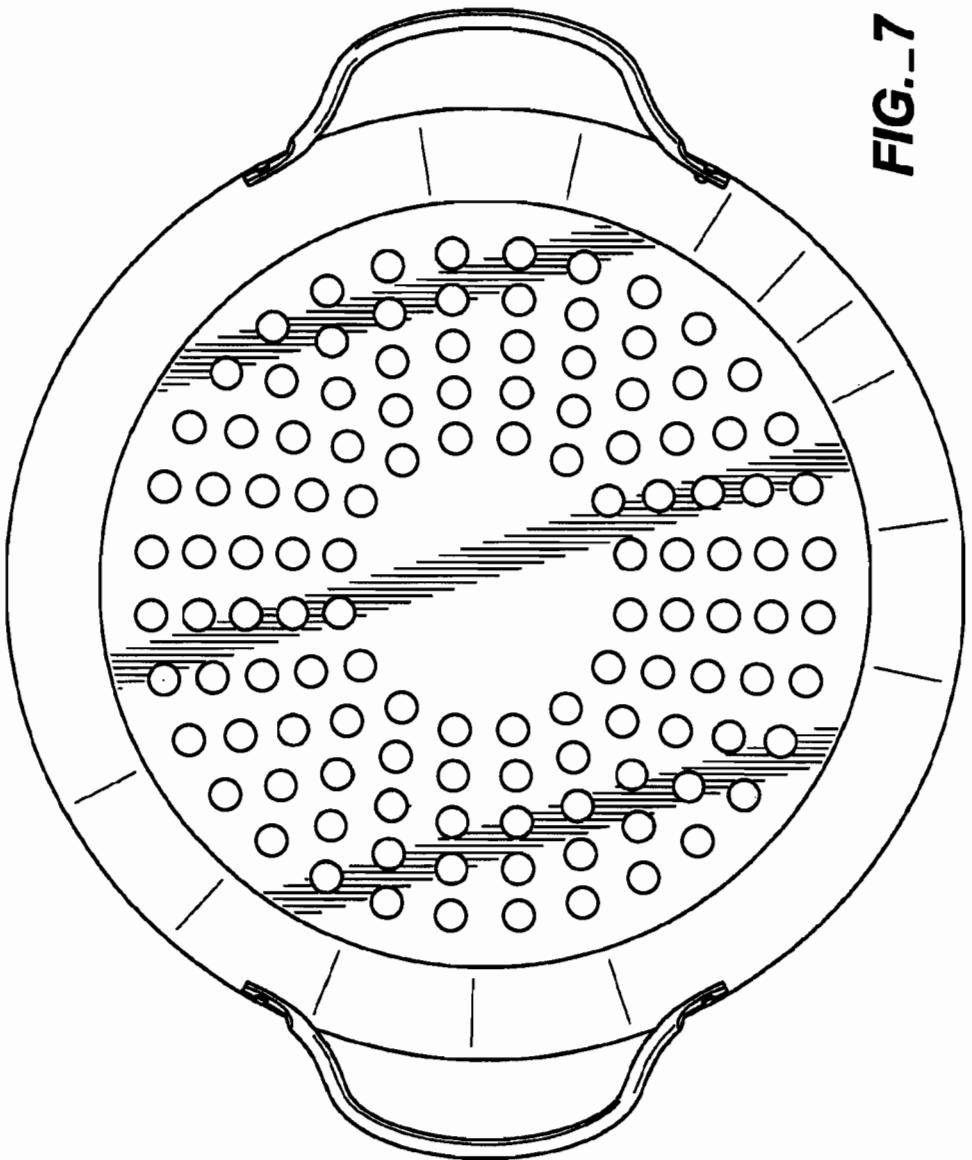


EXHIBIT B

EXHIBIT B



US00D522807S

(12) **United States Design Patent** (10) **Patent No.:** **US D522,807 S**
Dow et al. (45) **Date of Patent:** ** Jun. 13, 2006

(54) **COMBINATION ROASTING UTENSIL AND LIQUID INFUSER**(75) Inventors: **Shannon Dow**, Berkeley, CA (US);
Sharon Ellen Kallenberger, Alameda, CA (US)(73) Assignee: **Charcoal Companion Incorporated**, Emeryville, CA (US)

(**) Term: 14 Years

(21) Appl. No.: 29/232,676

(22) Filed: Jun. 21, 2005

Related U.S. Application Data

(63) Continuation of application No. 29/212,967, filed on Sep. 10, 2004, now Pat. No. Des. 506,532.

(51) LOC (8) Cl. 07-02

(52) U.S. Cl. D7/409; D7/361

(58) **Field of Classification Search** D7/354-361,
D7/409, 550.1, 553.1, 553, 553.7, 566, 586-588;
D28/61; 219/732, 735; 206/558; 220/574,
220/575; 99/345, 347, 419, 422, 448

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

6,125,739 A *	10/2000	Jernigan	99/345
D453,308 S *	2/2002	McCauley	D11/152
D453,488 S *	2/2002	McCauley	D11/152
6,467,399 B1 *	10/2002	Boutte	99/347
6,487,964 B1 *	12/2002	Snoke et al.	99/345

D486,991 S *	2/2004	Lee	D7/357
D506,352 S *	6/2005	Dow et al.	D7/361
2002/0100371 A1 *	8/2002	Snoke et al.	99/419
2002/0195000 A1 *	12/2002	Hester	99/345
2002/0195001 A1 *	12/2002	Hester	99/345

OTHER PUBLICATIONS

Halco, Harold Leonard & Co. Inc., Quality Crafted Food Service Products, 1999□□Food Preparation, p. 50□□Item # 79269, "Brad and Loaf Pans".*

* cited by examiner

Primary Examiner—Caron D. Veynar*Assistant Examiner*—Ricky Pham(74) *Attorney, Agent, or Firm*—Donald L. Beeson; Beeson Skinner Beverly

(57)

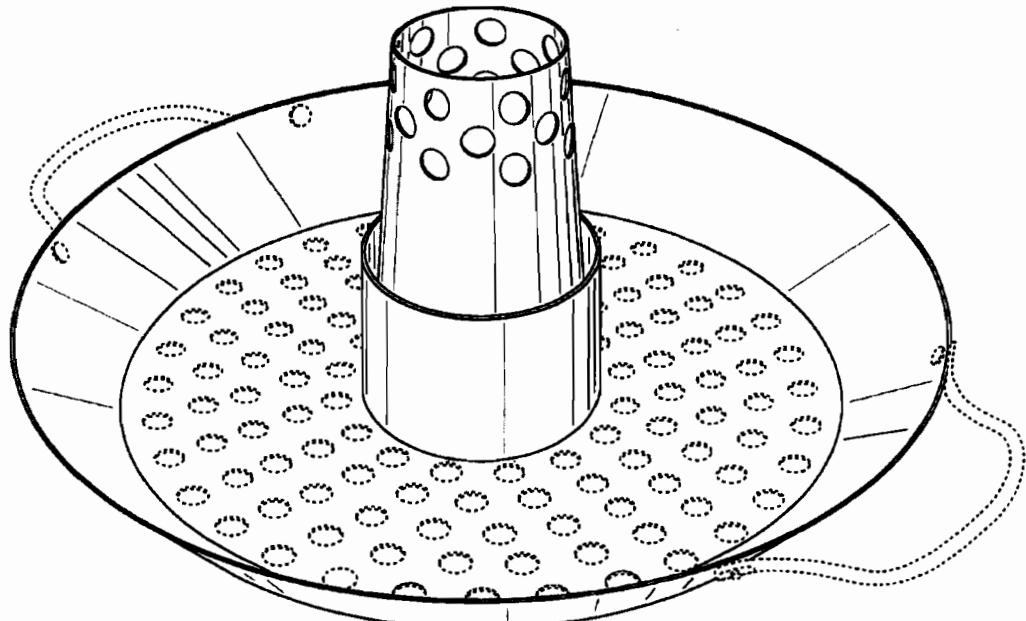
CLAIM

The ornamental design for a combination roasting utensil and liquid infuser, as shown and described.

DESCRIPTION

FIG. 1 is an enlarged top perspective view of a combination roasting utensil and liquid infuser showing our new design;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a left side elevational view thereof;
FIG. 5 is a right side elevational view thereof;
FIG. 6 is a top plan view thereof; and,
FIG. 7 is a bottom plan view thereof.

The broken lines shown in FIGS. 1-7 are for illustrative purposes only and form no part of the claimed design.

1 Claim, 5 Drawing Sheets

U.S. Patent

Jun. 13, 2006

Sheet 1 of 5

US D522,807 S

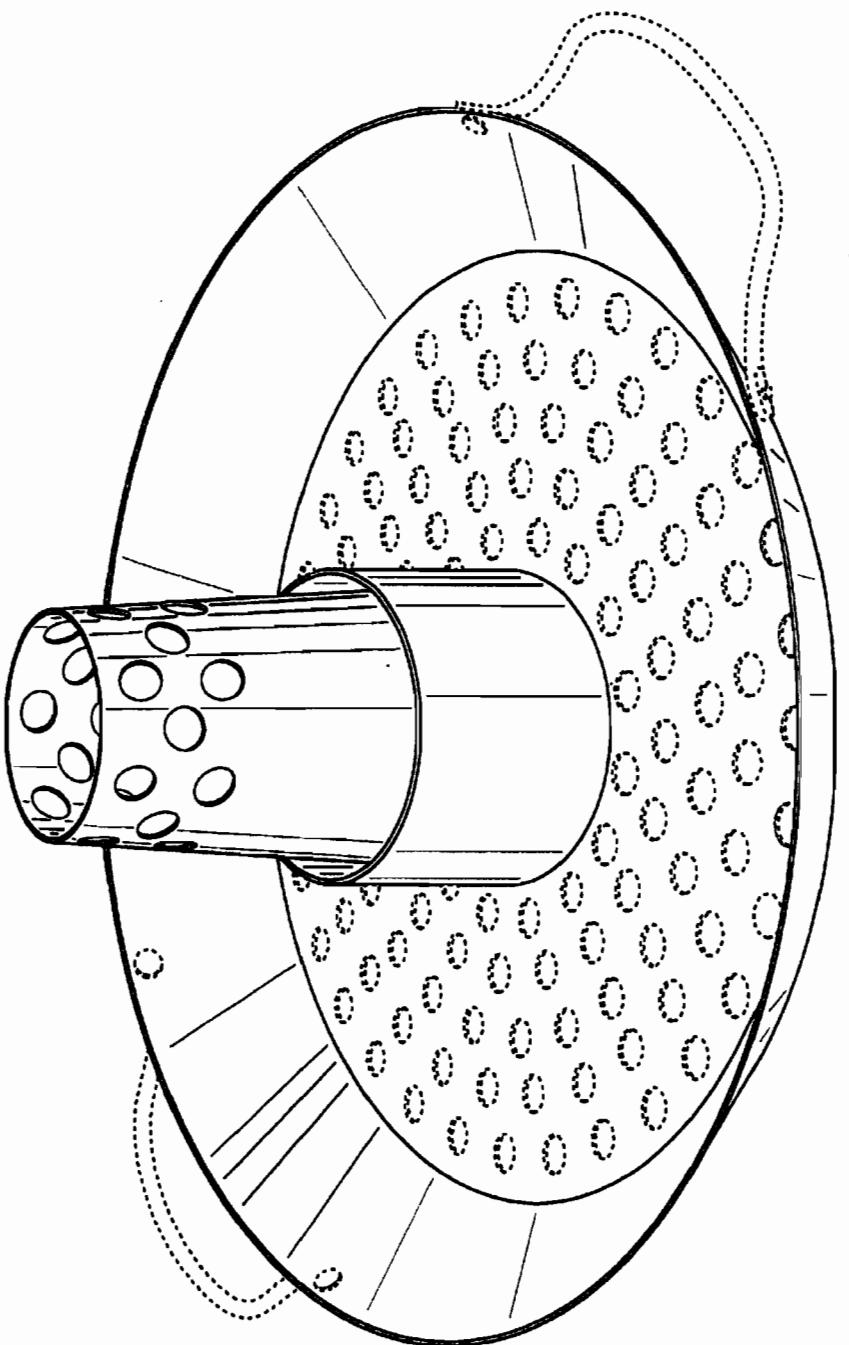


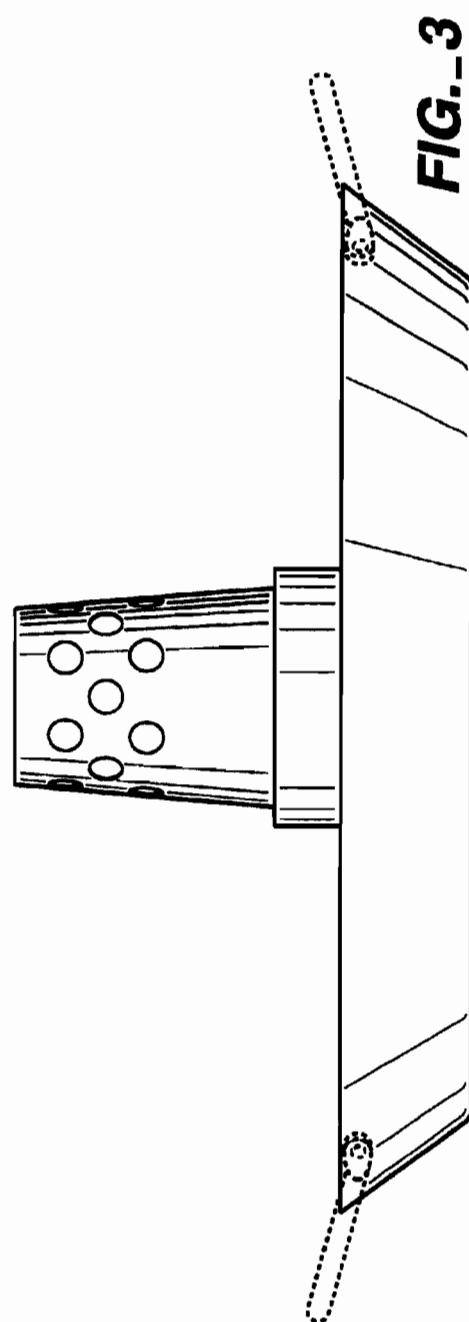
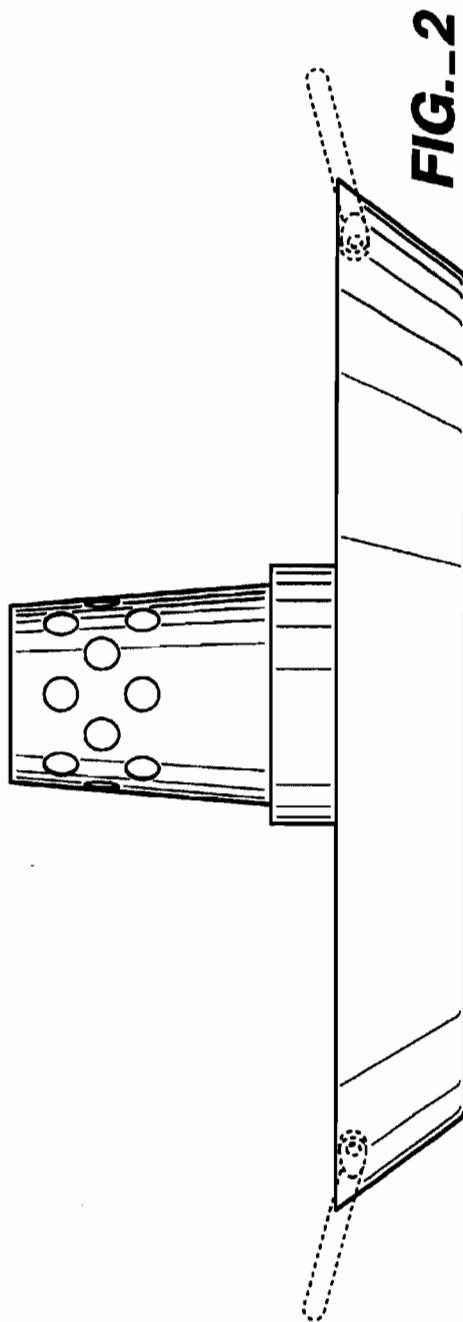
FIG. 1

U.S. Patent

Jun. 13, 2006

Sheet 2 of 5

US D522,807 S



U.S. Patent

Jun. 13, 2006

Sheet 3 of 5

US D522,807 S

FIG._4

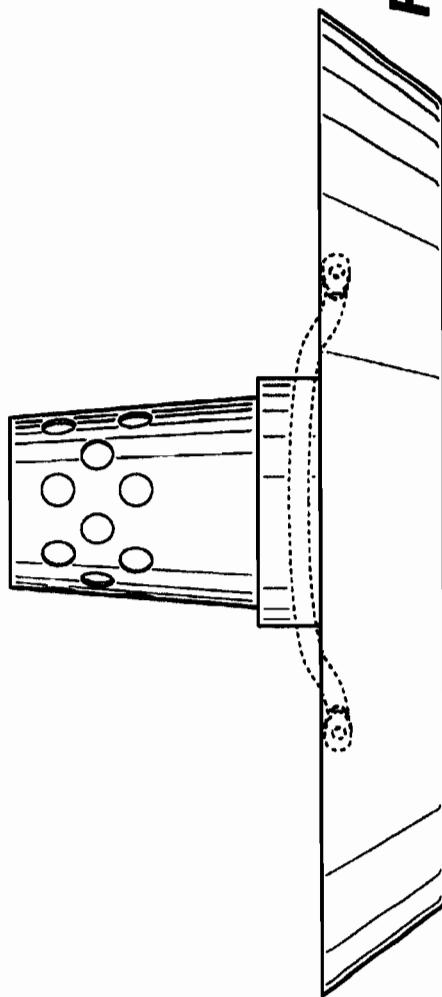
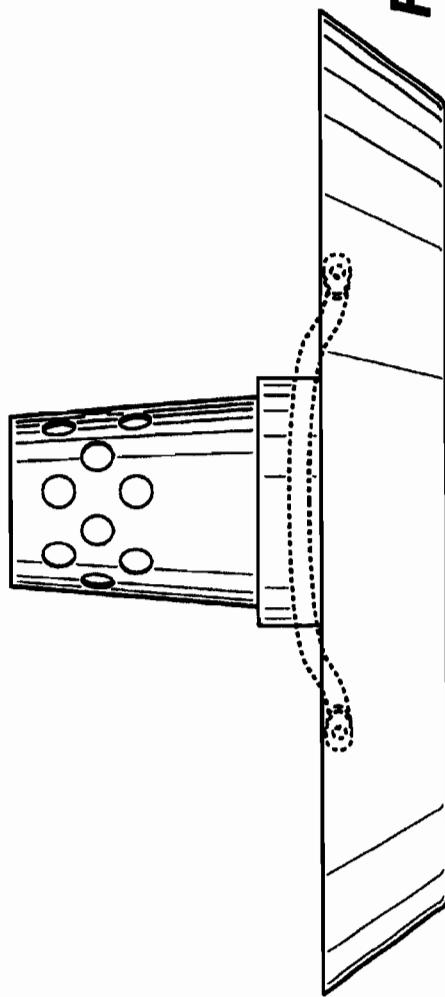


FIG._5



U.S. Patent

Jun. 13, 2006

Sheet 4 of 5

US D522,807 S

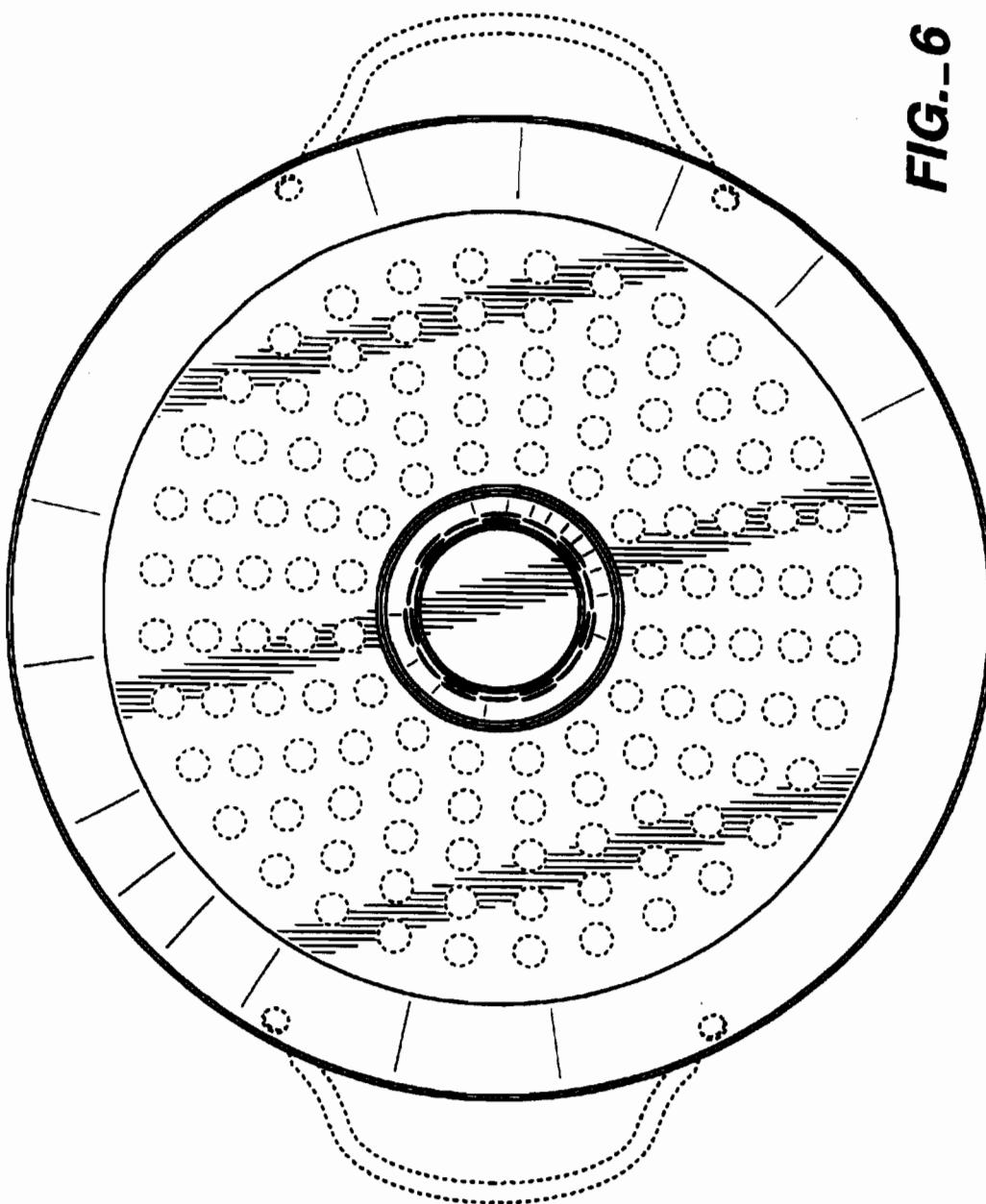


FIG._6

U.S. Patent

Jun. 13, 2006

Sheet 5 of 5

US D522,807 S

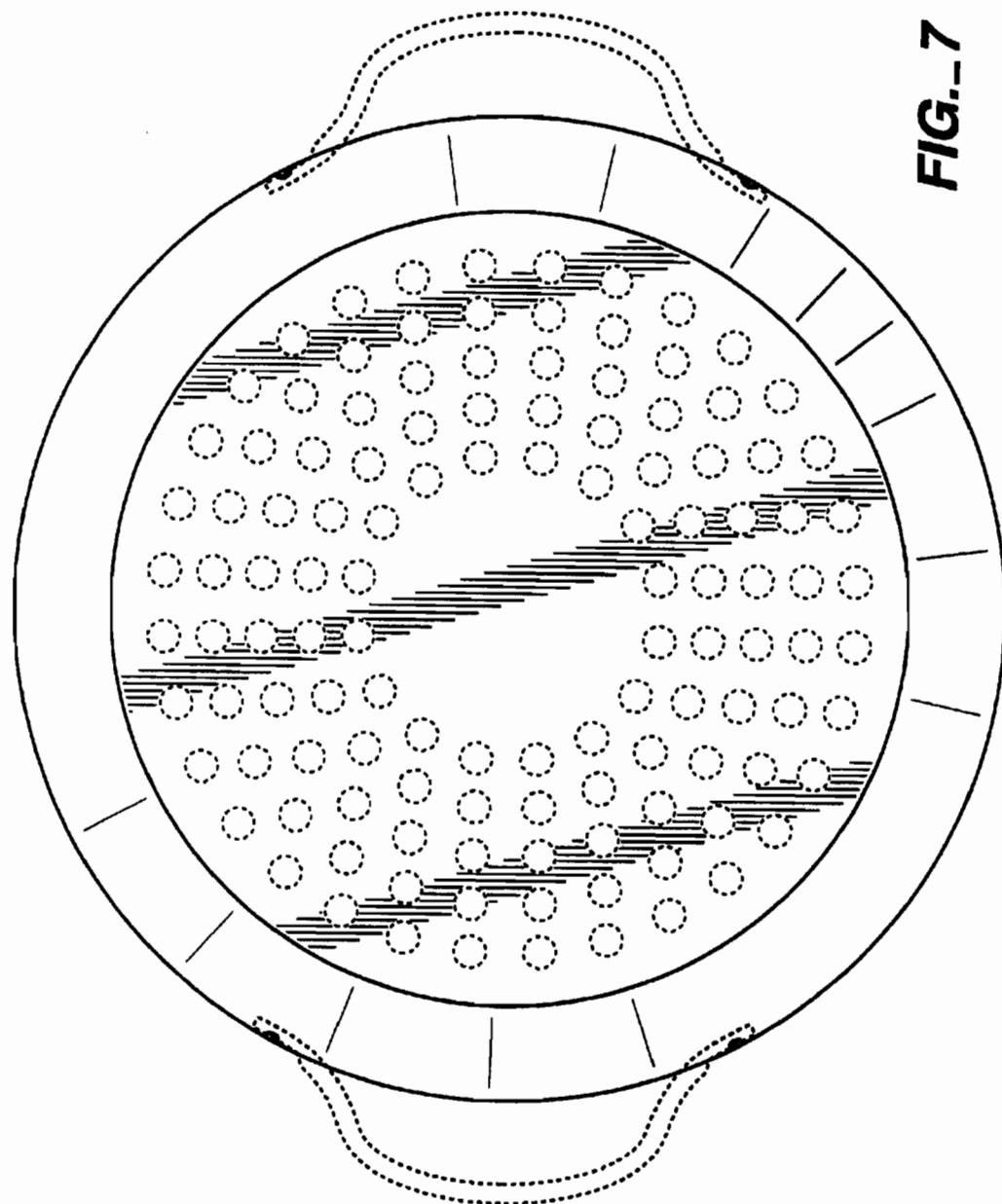


EXHIBIT C

EXHIBIT C



US00D506362S

(12) United States Design Patent (10) Patent No.: **US D506,362 S**
Dow et al. (45) Date of Patent: ** Jun. 21, 2005

(54) **BARBECUE BASKET FOR CORN AND THE LIKE**

(75) Inventors: **Shannon Dow**, Berkeley, CA (US);
Sharon Ellen Kallenberger, Alameda, CA (US)

(73) Assignee: **Charcoal Companion Incorporated**,
Oakland, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/199,476**

(22) Filed: **Feb. 13, 2004**

(51) LOC (8) Cl. **07-06**

(52) U.S. Cl. **D7/686; D7/669**

(58) Field of Search D7/669, 683-687,
D7/672, 652; 99/339, 402, 419, 421 A,
426, 427, 441

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,945,165 A *	1/1934 Smith	99/441
2,317,388 A *	4/1943 Lako, Jr	99/339
D156,731 S *	1/1950 Hobbs	D7/686
2,804,819 A *	9/1957 Wheaton	99/441
2,966,841 A *	1/1961 Jigamian	99/441
4,212,235 A *	7/1980 Snyder	99/441
4,380,192 A *	4/1983 Doren	99/441

OTHER PUBLICATIONS

Charcoal Companion, Product Catalog, 2002, selected pages.

Charcoal Companion, Product Catalog, 1993, selected pages.

* cited by examiner

Primary Examiner—Terry A. Wallace

(74) *Attorney, Agent, or Firm*—Donald L. Beeson

(57) **CLAIM**

The ornamental design for a barbecue basket for corn and the like, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a top of a barbecue basket for corn and the like showing our new design;

FIG. 2 is a top plan view thereof;

FIG. 3 is a right side elevational view thereof, the left side being a mirror image;

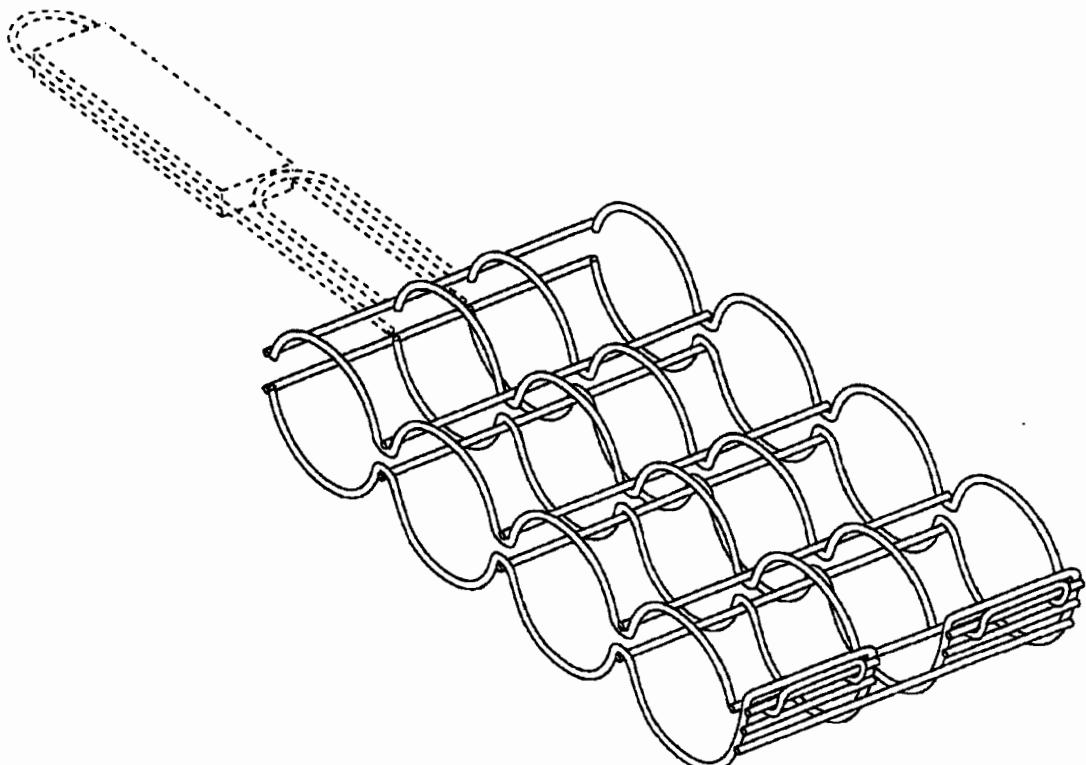
FIG. 4 is a bottom plan view thereof;

FIG. 5 is a front elevational view thereof; and,

FIG. 6 is a rear elevational view thereof.

The broken lines in FIGS. 1-4 showing a handle for the barbecue basket for corn and the like are for illustrative purposes only and form no part of our claimed design.

1 Claim, 3 Drawing Sheets

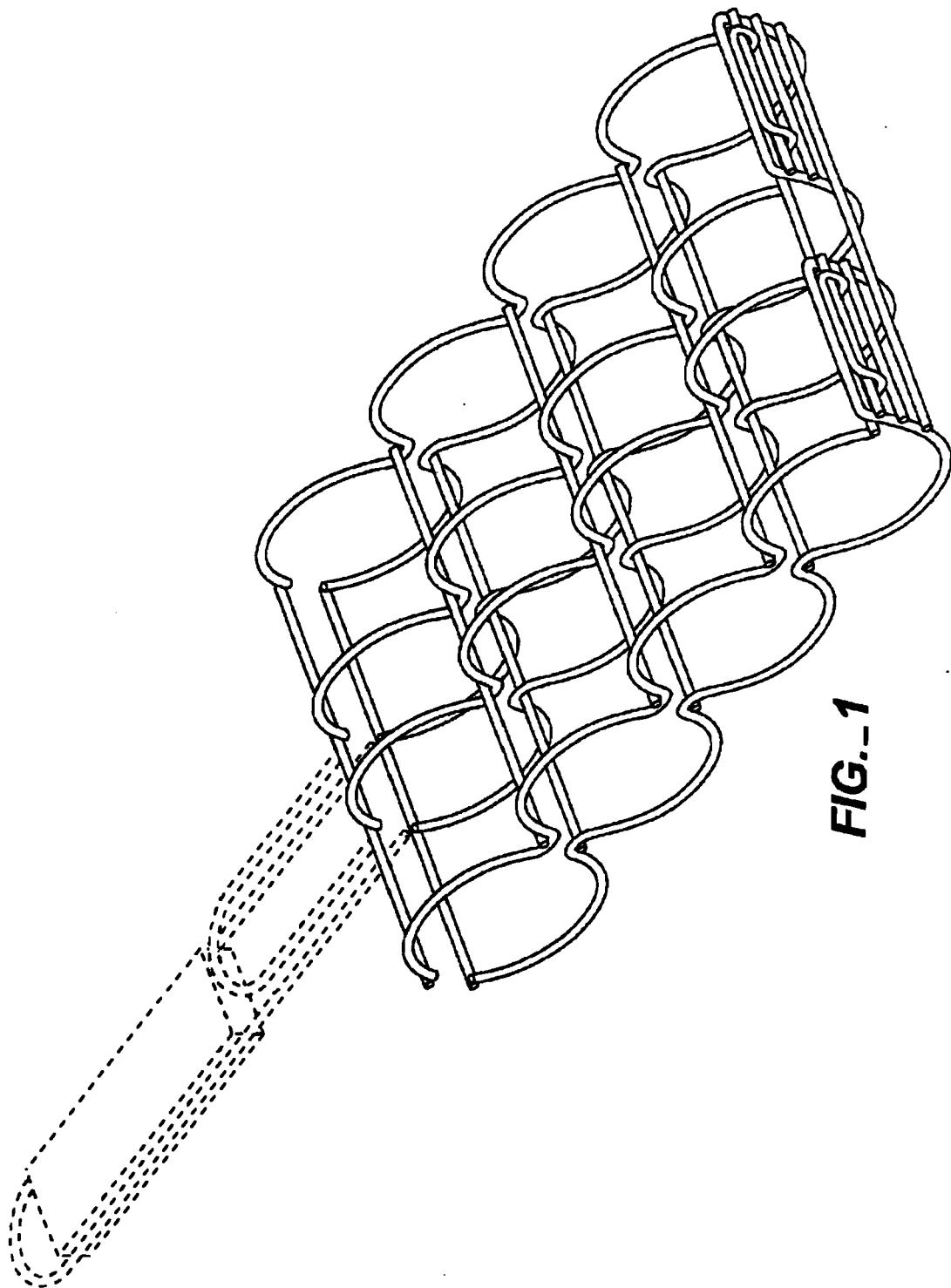


U.S. Patent

Jun. 21, 2005

Sheet 1 of 3

US D506,362 S



U.S. Patent

Jun. 21, 2005

Sheet 2 of 3

US D506,362 S

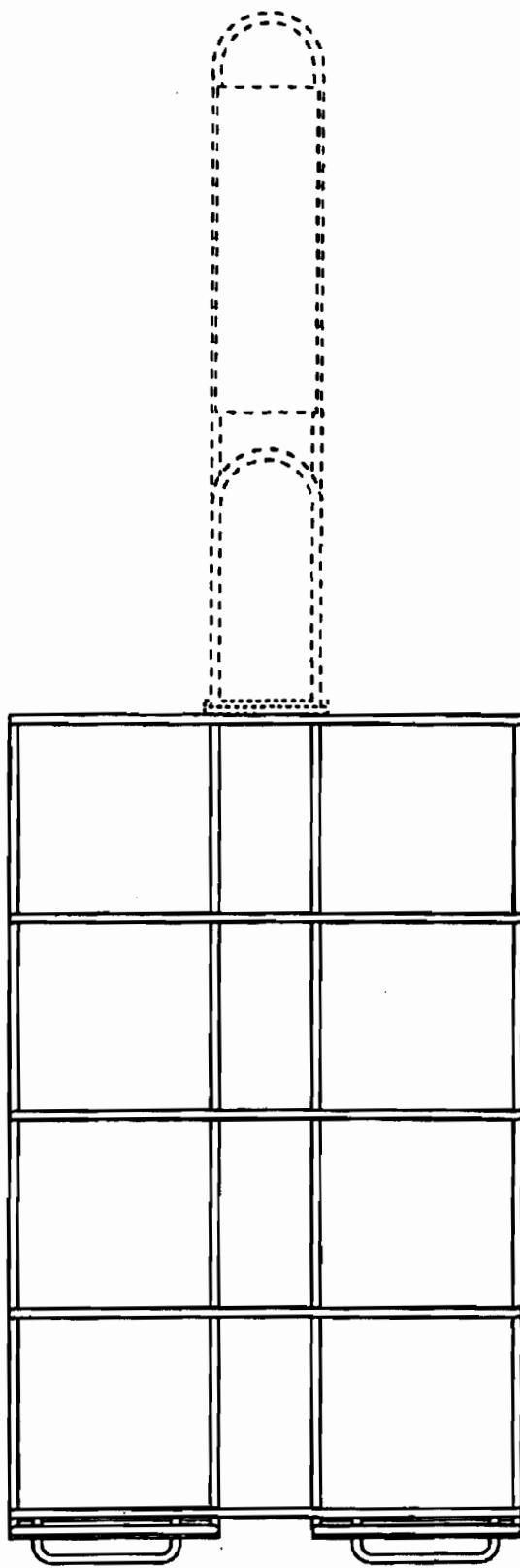


FIG. 2

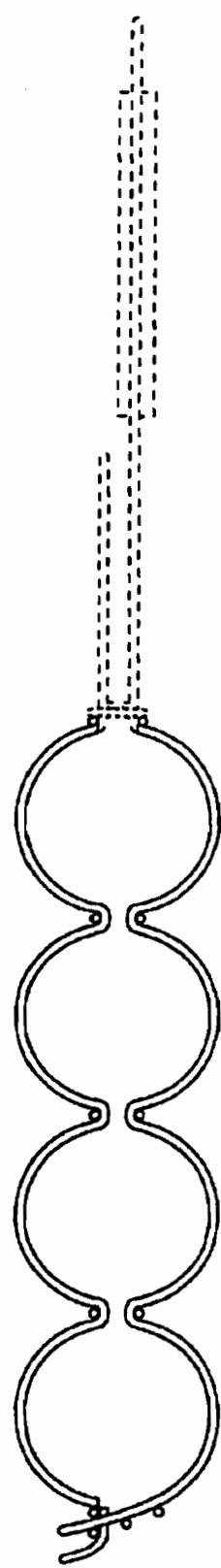


FIG. 3

U.S. Patent

Jun. 21, 2005

Sheet 3 of 3

US D506,362 S

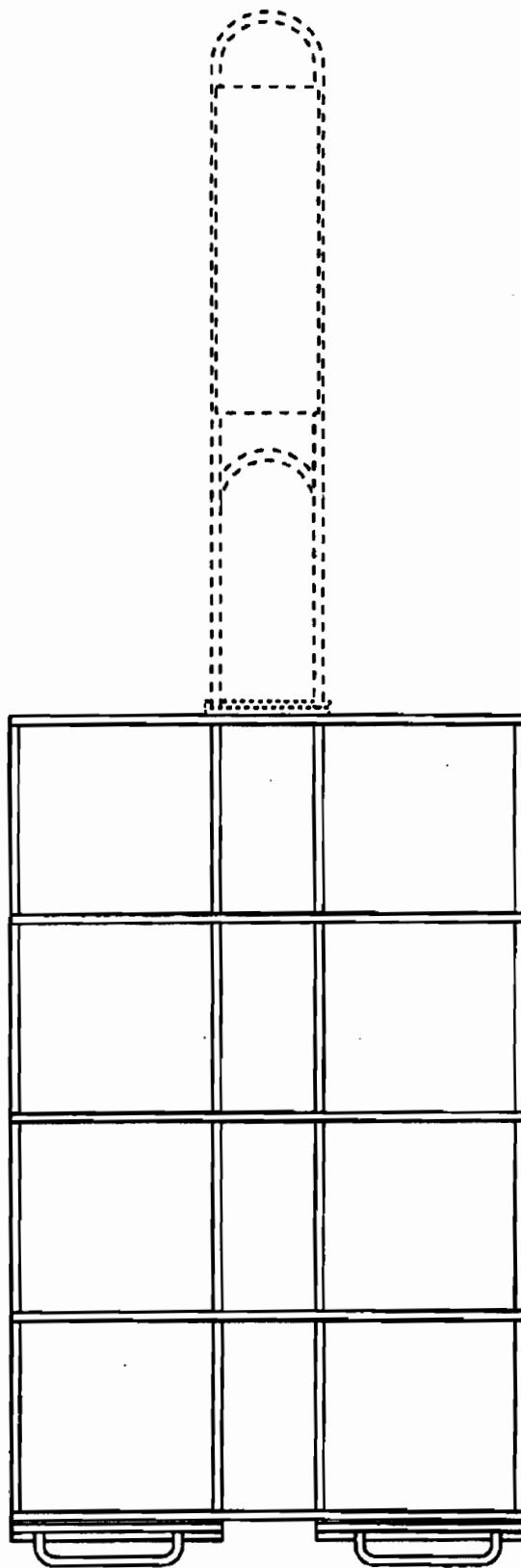


FIG. 4

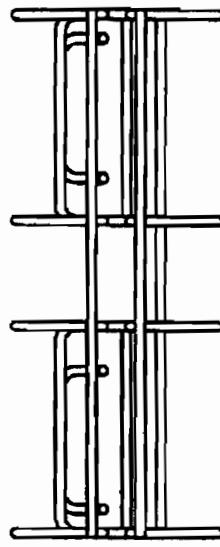


FIG. 6

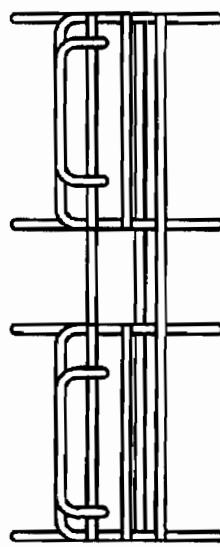


FIG. 5

EXHIBIT D

EXHIBIT D



US00D521821S

(12) **United States Design Patent**
Dow et al.(10) Patent No.: **US D521,821 S**
(45) Date of Patent: ** May 30, 2006(54) **PORTION OF A BARBECUE BASKET FOR CORN AND THE LIKE**(75) Inventors: **Shannon Dow**, Berkeley, CA (US); **Sharon Ellen Kallenberger**, Alameda, CA (US)(73) Assignee: **Charcoal Companion Incorporated**, Emeryville, CA (US)(**) Term: **14 Years**(21) Appl. No.: **29/232,674**(22) Filed: **Jun. 21, 2005**

2,317,388 A	*	4/1943	Lako, Jr.	99/339
D156,731 S	*	1/1950	Hobbs	D7/686
2,804,819 A	*	9/1957	Wheaton	99/441
2,966,841 A	*	1/1961	Jigamian	99/441
4,212,235 A	*	7/1980	Snyder	99/441
4,380,192 A	*	4/1983	Doren	99/441

* cited by examiner

Primary Examiner—Terry A. Wallace

(74) Attorney, Agent, or Firm—Donald L. Beeson

(57)

CLAIM

The ornamental design for a portion of a barbecue basket for corn and the like, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a top of a portion of a barbecue basket for corn and the like showing our new design;

FIG. 2 is a top plan view thereof;

FIG. 3 is a right side elevational view thereof, the left side being a mirror image;

FIG. 4 is a bottom plan view thereof;

FIG. 5 is a front elevational view thereof; and,

FIG. 6 is a rear elevational view thereof.

The broken lines in FIGS. 1–6 are for illustrative purposes only and form no part of our claimed design.

Related U.S. Application Data

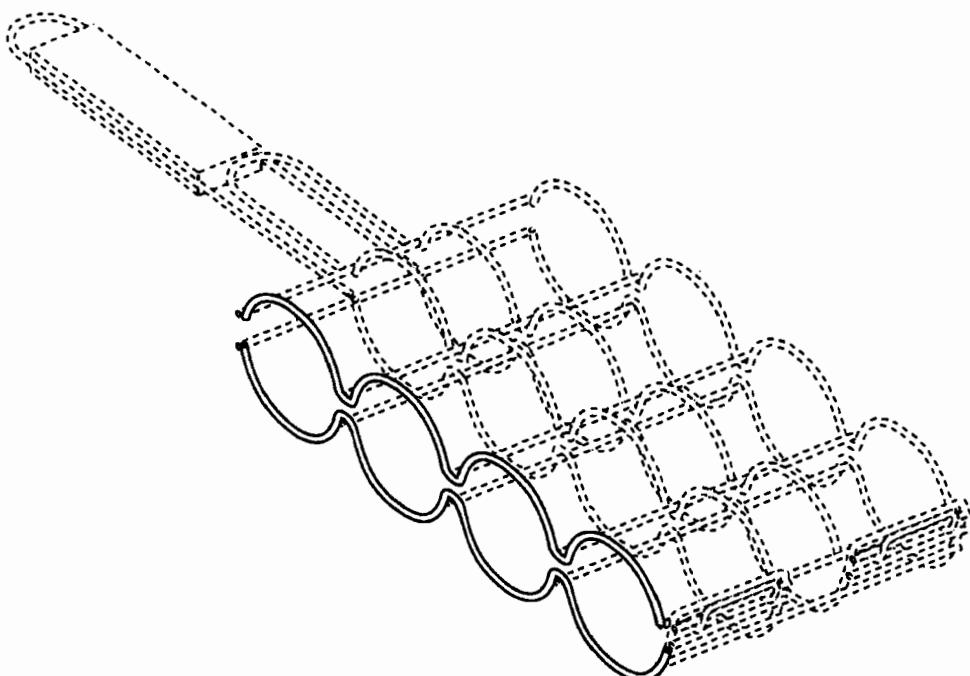
(63) Continuation of application No. 29/199,476, filed on Feb. 13, 2004, now Pat. No. Des. 506,362.

(51) LOC (8) Cl. **07-06**(52) U.S. Cl. **D7/686; D7/669**(58) Field of Classification Search D7/669,
D7/683–687, 672, 652; 99/339, 402, 419,
99/421 A, 426, 427, 441

See application file for complete search history.

References Cited**U.S. PATENT DOCUMENTS**

1,945,165 A * 1/1934 Smith 99/441

1 Claim, 3 Drawing Sheets

U.S. Patent

May 30, 2006

Sheet 1 of 3

US D521,821 S

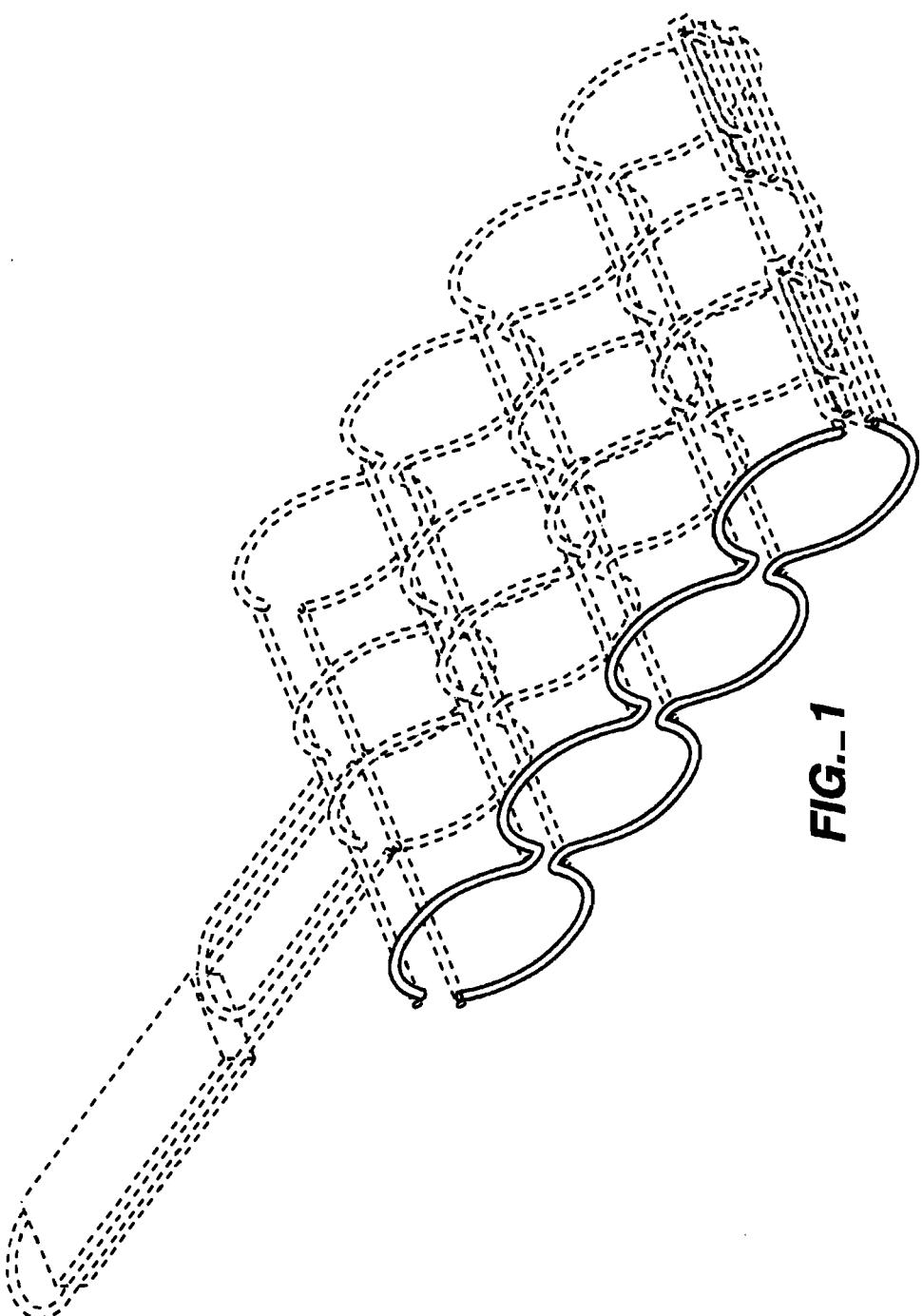


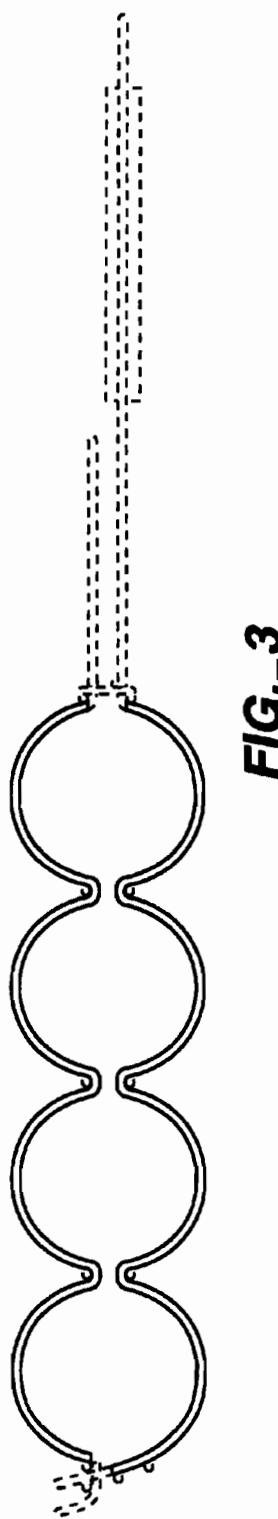
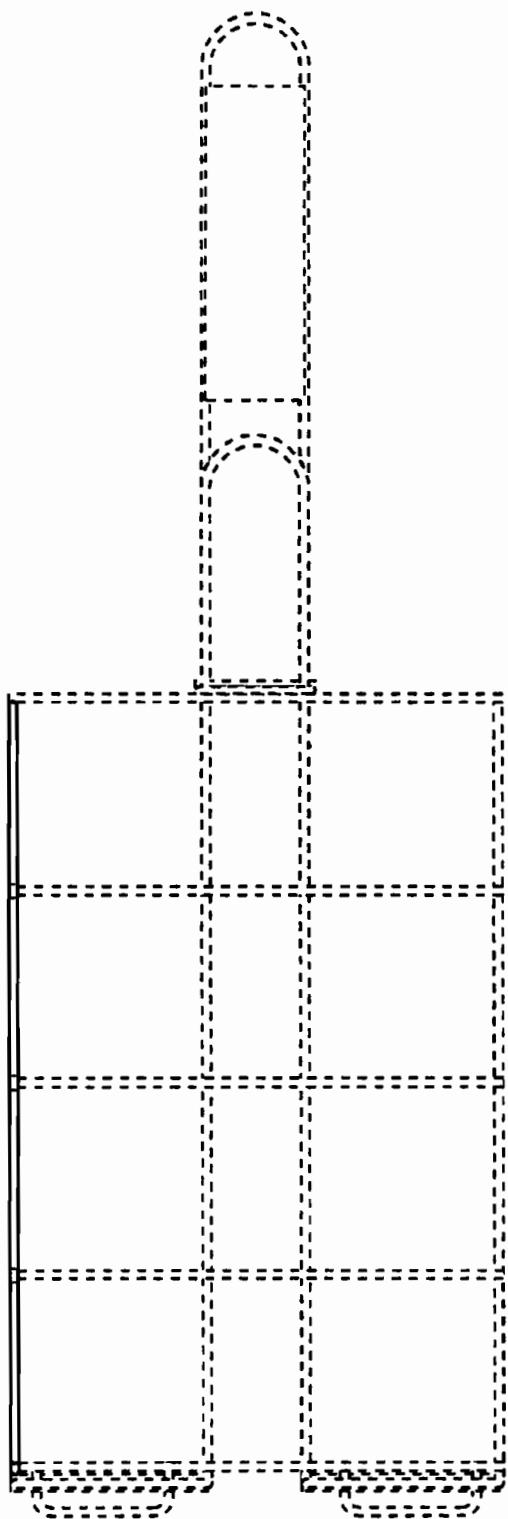
FIG. 1

U.S. Patent

May 30, 2006

Sheet 2 of 3

US D521,821 S



U.S. Patent

May 30, 2006

Sheet 3 of 3

US D521,821 S

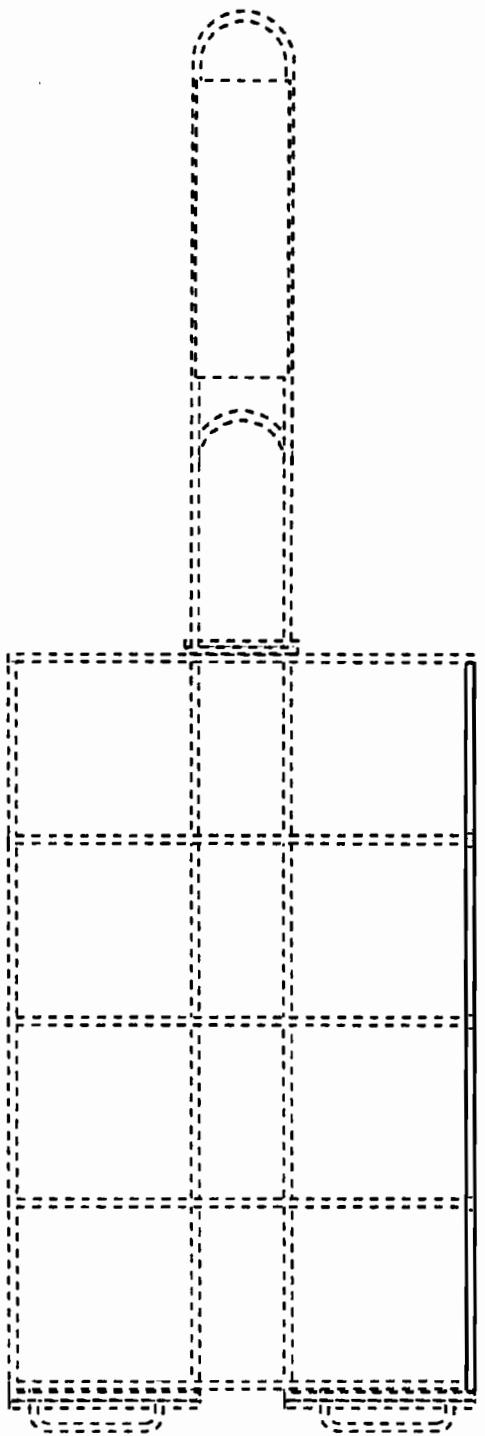


FIG. 4

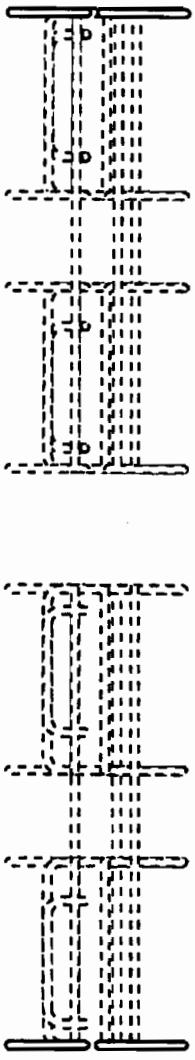


FIG. 5

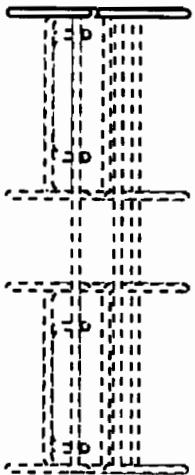


FIG. 6

EXHIBIT E

EXHIBIT E

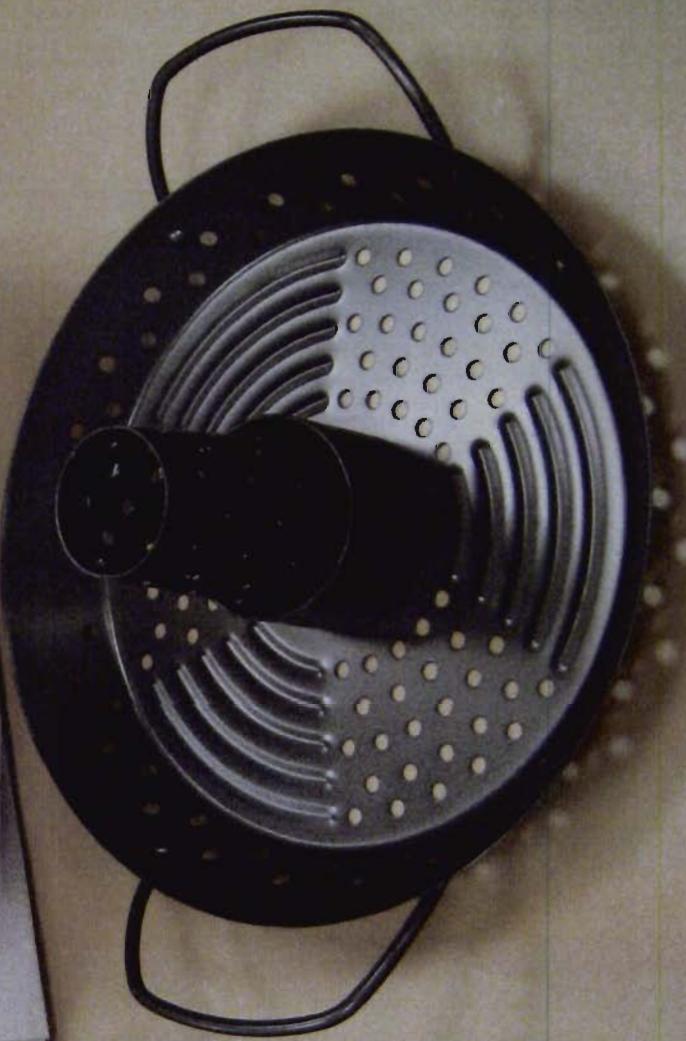


EXHIBIT F

EXHIBIT F

